

in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of soluble hypodermic tablets which were adulterated and misbranded. The product was labeled: "100 Soluble Hypodermic Tablets. Morphine Sulphate $\frac{1}{4}$ gr.; Guar. Under Pure Food and Drugs Act, June 30, 1906. The William A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Morphin sulphate, 0.21 grain per tablet. Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard upon which it was sold; that is to say, the labels on the bottles showed that each of the tablets contained $\frac{1}{4}$ grain morphin sulphate, whereas, in truth and in fact, said article contained a much less amount than $\frac{1}{4}$ grain of morphin sulphate and fell below the professed standard upon which it was sold. Misbranding was alleged for the reason that the statement "100 Soluble Hypodermic Tablets; Morphine Sulphate, $\frac{1}{4}$ grain," borne on the label on the product, was false and misleading, because it conveyed the impression that each of the tablets contained $\frac{1}{4}$ grain of morphin sulphate, when, as a matter of fact, the tablets contained a much less amount of said ingredient.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10, with costs of \$12.95.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3052. Misbranding of cordial (Sambuca). U. S. v. Pasquale Gargiulo (P. Gargiulo & Co.).
Plea of guilty. Fine, \$25. (F. & D. No. 5103. I. S. No. 3182-d.)

On June 11, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 26, 1912, from the State of New York into the State of Massachusetts, of a quantity of a cordial called "Sambuca" which was misbranded. The product was labeled in the Italian language, and a translation of said label into the English language is as follows: "Sambuca Finissima Anice. Panorama of Naples. Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial No. 14057. Grand Italian Distillery. Specialty of the firm. Superfine Sambuca."

It was ascertained in connection with the examination of a sample of the product by the Bureau of Chemistry of this department that said product was manufactured in the United States. Misbranding of the product was alleged in the information for the reason that it was labeled so as to deceive and mislead the purchaser thereof, in that said label would indicate that the article was a foreign product, to wit, a product of Italy, when it was not so but was a product of the United States; and was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so but was a product of the United States.

On November 5, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14 1914.*

3053. Adulteration of frozen egg product. U. S. v. 100 Cans Frozen Egg Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5104. S. No. 1738.)

On March 22, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10

cans, each containing approximately 30 pounds, of frozen egg product, remaining unsold in the original unbroken packages and in possession of the Merchants Refrigerating Co., New York, N. Y., alleging that the product had been shipped on or about March 11, 1913, by the Great Atlantic and Pacific Tea Co., Jersey City, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, decayed egg product, contrary to the provisions of section 7, subsection 6, under "Food," of said Food and Drugs Act.

On April 7, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3054. Misbranding of peanut butter. U. S. v. Julius Koehler (Royal Peanut Butter Co.).
Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5105. I. S. Nos. 2905-e, 4910-e.)

On July 9, 1913, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Koehler, trading as the Royal Peanut Butter Co., Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1912, from the State of Ohio into the State of Minnesota, of a quantity of so-called University Brand Peanut Butter which was misbranded. The product was labeled (on jars): "University Brand Peanut Butter—Packed at about 12 ounces. Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn." (Label on shipping package of part of shipment) "1 Doz. 25¢ size—University Brand Peanut Butter—Packed at about 12 ounces—Bottled for Winston-Harper-Fisher Co., Minneapolis, Minn.—Soo Line-Mpls. 105390-7-26-12." (Label on shipping package of rest of said shipment) Similar to label on retail package with the following added: "2 Dozen 10¢ size."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results: Batch 1—(1) Net weight $10\frac{3}{4}$ oz., shortage 13.54 per cent; (2) net weight $10\frac{1}{4}$ oz., shortage 14.58 per cent; (3) net weight $10\frac{1}{8}$ oz., shortage 15.62 per cent; (4) net weight $10\frac{3}{8}$ oz., shortage 13.54 per cent; (5) net weight $10\frac{1}{2}$ oz., shortage 15.62 per cent; (6) net weight $10\frac{5}{8}$ oz., shortage 11.45 per cent; (7) net weight $10\frac{3}{4}$ oz., shortage 13.54 per cent; (8) net weight 10 oz., shortage 16.66 per cent; average contents 10.28 oz., average shortage 14.33 per cent. Batch 2—(1) Net weight $9\frac{7}{8}$ oz., shortage 17.7 per cent; (2) net weight 10 oz., shortage 16.66 per cent; (3) net weight 10 oz., shortage 16.66 per cent; (4) net weight $10\frac{3}{8}$ oz., shortage 13.54 per cent; (5) net weight $9\frac{5}{8}$ oz., shortage 19.79 per cent; (6) net weight $10\frac{3}{8}$ oz., shortage 14.58 per cent; (7) net weight $10\frac{1}{2}$ oz., shortage 15.62 per cent; (8) net weight 10 oz., shortage 16.66 per cent; (9) net weight $10\frac{3}{8}$ oz., shortage 13.54 per cent; (10) net weight $10\frac{3}{8}$ oz., shortage 14.58 per cent; average shortage 15.9 per cent. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, "Packed at about 12 ounces," was false and misleading, as it conveyed the impression that the net contents of the containers on which the statement appeared was 12 ounces, whereas, in fact, the net contents thereof was less than 12 ounces, there being an average shortage in the packages weighed of 14.33 per cent in one sample and 15.9 per cent in another sample. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser into the belief that each package thereof contained 12 ounces, whereas in fact the contents of a number of said packages showed an average shortage of approximately 15 per cent. It was further alleged in the information that the